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DATE: December 30, 2004

PTO IDENTIFIER: Application Number 09/645,306
Patent Number

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MESSAGE TO: US Patent and Trademark Office - Attention Examiner Han

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PAGES (Including Cover Sheet): 5

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Request for Reconsideration (3 pages)

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PTO/SB/97 (12-97)

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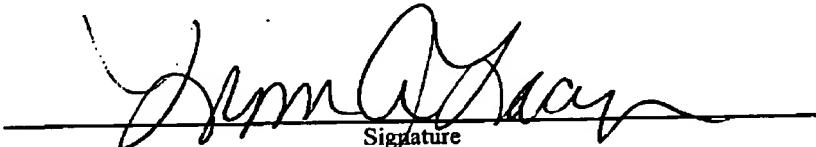
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Application No. (if known): 09/645,306

Attorney Docket No.: 449122000500

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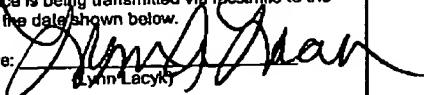
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Request for Reconsideration (3 pages)

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(Lynn Lacy)

Docket No.: 449122000500
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Christoph GLINGENER

Application No.: 09/645,306

Art Unit: 2665

Filed: August 25, 2000

Examiner: C. S. Han

For: METHODS FOR THE AUTOMATIC
ROUTING OF DATA PACKETS IN AN
OPTICAL DATA PACKET STREAM

REQUEST FOR RECONSIDERATION

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Advisory Action dated November 18, 2004 indicating that the proposed after-final amendments to the claims filed October 12, 2004 would not be entered. This case is now on appeal. Although the Advisory Action does not indicate at Box 7 whether or not the proposed amendments would be entered for purposes of appeal, the examiner informed the undersigned by telephone on December 29, 2004 that the proposed amendments would not be entered for purposes of appeal. This is a request for reconsideration from the examiner's decision not to enter the proposed amendments for purposes of appeal. Therefore, Applicants respectfully request entry of the proposed amendments filed October 12, 2004, as those amendments raise no new issues and they place the claims in a better condition for appeal.

The present invention is directed toward the use of allocated frequency mixes to represent routing information for data packets in an optical data packet stream. In other words, the

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routing information for a data packet is converted at the transmitter end to a frequency mix that has been allocated to represent that particular routing information.

The claims presently reflect this aspect of the invention with the following language:

"converting route information to allocated frequency mixes at the transmitter end"¹

The proposed amendments introduce the following additional language:

" . . . producing a mix of frequencies for a respective frequency mix allocated to a particular route signal that represents the route information."

This proposed additional language does not change the meaning or scope of the claim in any fashion. Rather, it merely explicates the meaning of the existing language. Specifically, the proposed language merely recites the immediate and necessary result of the recited method step. In short, the step of "converting route information to allocated frequency mixes" results in "a mix of frequencies for a respective frequency mix allocated to a particular route signal that represents the route information." While this additional language is not necessary for an understanding of the claim, or for distinguishing it from the prior art, it does make the meaning of the existing claim language more immediately apparent without the need for reference to the specification.

Accordingly, as the foregoing language does not change the meaning or scope of the claim, and raises no new issues, but does make the meaning of the claim more immediately apparent without reference to the specification, the proposed amendment puts this application in a better condition for appeal.

Another proposed amendment to the claim deletes the language "and the frequency mixes include audio frequencies." Deletion of this language reduces the issues on appeal and does not broaden the claim beyond the scope of the claims as originally presented and examined (this language was added by amendment *after* the first office action on the merits).

The other proposed amendment to the claim changes the carrier frequency for the route signals from "half a data transmission rate" to "a substantially lower transmission rate." The

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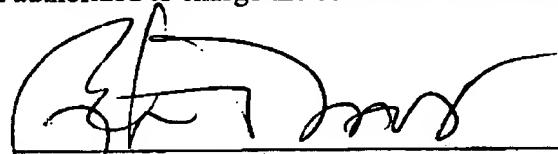
proposed amendment reduces the issues on appeal by broadening the claim, but raises no new issues as the proposed broadening does not expand the claim beyond the scope of the claims as originally presented (this language was also added by amendment *after* the first office action on the merits).

Accordingly, as the proposed amendments raise no new issues and reduce the issues on appeal, this amendment places the claims in a better condition for appeal. In view of the foregoing, entry of the after-final amendment filed October 12, 2004 is proper and such action is respectfully requested.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 449122000500. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: December 30, 2004

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¹ Independent method claims 1 and 2. Independent apparatus claims 7 and 8 contain the following similar recitation: "a conversion unit . . . for converting route information . . . to route signals produced by modulating a carrier signal with a frequency mix."

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